



Before: Judge Francesco Buffa
Registry: Nairobi
Registrar: Abena Kwakye-Berko

QASSEM

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER STRIKING OUT AN
APPLICATION**

Counsel for the Applicant:
Self-represented

Counsel for the Respondent:
UNDP

Introduction

1. On 25 June 2021, the Applicant's spouse, NQ (anonymized for confidentiality), filed on behalf of the Applicant, a motion for extension of time to file an application before the Dispute Tribunal in respect of a decision to separate the Applicant from service. The Applicant requested management evaluation of the contested decision on 12 February 2021 and got the response on 26 March 2021. The Applicant submitted that the deadline for filing the application was on 27 June 2021.¹

2. In support of the motion, NQ submitted that her spouse had suffered severe health conditions since December 2019 and as such was not able to file the application. She, therefore, requested an extension of time of one month to allow the Applicant to seek legal assistance to prepare and file the application.

3. On 1 July 2021, the Tribunal granted the Applicant's motion and the period of time to file the intended application was extended to 30 July 2021.

4. Having noted that the Applicant did not file the application by 30 July 2021 as had been directed by the Tribunal, on 31 January 2022 the Registry contacted the Applicant seeking the reasons why he had not done so. To date, the Applicant has never responded.

Considerations

5. The Dispute Tribunal has on several occasions pronounced the principle of procedural law that the right to institute and pursue legal proceedings is predicated upon the condition that the person exercising this right has a legitimate interest in initiating and maintaining legal action and that access to the court has to be denied to those who are no longer interested in the proceedings or are no longer in need of judicial remedy (*Bimo and Bimo* UNDT/2009/061, *Saab-Mekkour* UNDT/2010/047).

¹ Motion for extension of time, para 5.

6. There being no further matters for judicial consideration in this case and the Applicant having showed no interest in maintaining a legal action,

IT IS ORDERED THAT:

7. Case No. UNDT/NBI/2021/046 be stricken off the Tribunal's records.

(Signed)

Judge Francesco Buffa
Dated this 14th day of March 2022

Entered in the Register on this 14th day of March 2022

(Signed)

Eric Muli, Legal Officer, for
Abena Kwakye-Berko, Registrar, Nairobi